

**Agricultural and Forestal District-12-86. Gospel Spreading Church AFD (Mikula Withdrawal)
Staff Report for April 9, 2002, Board of Supervisors Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

AFD Advisory Committee: February 21, 2002, 4:00 p.m. - Human Services Center
 Planning Commission: March 4, 2002, 7:00 p.m. - Building C Board Room, Government Center
 Board of Supervisors: April 9, 2002, 7:00 p.m.- Building C Board Room

SUMMARY FACTS

Applicant: Thomas and Elva Mikula
 Land Owner: Same

Proposed Withdrawal: 22.97 acres

Proposed Use: Single-Family Dwelling

Location: 2258 and 2264 Lake Powell Road, Jamestown District

Tax Maps and Parcel Nos.: (48-3)(1-40), (48-3)(1-39)

Primary Service Area: Inside

Existing Zoning: R-8, Rural Residential

Comprehensive Plan: Low-Density Residential

Surrounding Zoning: North: R-1, Limited Residential (undeveloped)
 South, East, West: R-8, Rural Residential (predominately undeveloped)

Staff Contact: Jill E. Schmidle - Phone 253-6685

STAFF RECOMMENDATION:

Staff finds the proposed withdrawal is consistent with the surrounding zoning, development, and the Comprehensive Plan. Staff also finds that this application meets all three criteria of the adopted Board policy regarding the withdrawal of lands from Agricultural and Forestal Districts that are inside the Primary Service Area (PSA). Therefore, staff recommends that 22.97 acres be withdrawn from the Gospel Spreading Church AFD. Should this withdrawal be approved, the size of the Gospel Spreading Church AFD would become 971.94 acres. On February 21, 2001, the AFD Advisory Committee voted 8-0 to approve the withdrawal. On March 4, 2002, the Planning Commission voted 7-0 to approve the withdrawal. Staff recommends the Board approve the withdrawal.

District History

The Gospel Spreading Church Agricultural and Forestal District (AFD) was created on December 1, 1986, for a term of four years, and the Board of Supervisors has approved four-year renewals in 1990 and 1994. On September 22, 1998, the Board of Supervisors approved the renewal of this AFD for a period of four years with the conditions listed in the attached resolution. In 1999, the Board of Supervisors approved the addition of approximately 26.46 acres, bringing the total acreage in the district to 994.91 acres.

In September 1996, the Board of Supervisors adopted a policy and withdrawal criteria for AFD parcels within the PSA. Should this withdrawal be approved, the size of the Gospel Spreading Farm AFD would become 971.94 acres, which exceeds the 200-acre minimum requirement.

Site Description

The properties to be withdrawn are zoned R-8, Rural Residential, and are predominantly woodland. Surrounding property is undeveloped or has developed residentially. The 14.42-acre parcel contains an existing single-family residential house and a new single-family residential house is proposed for the 8.55-acre parcel.

Surrounding Zoning and Development

Surrounding property is predominantly undeveloped, except for a few large-lot single-family residences. Property to the north is zoned R-1, Limited Residential, and is undeveloped. Property to the west, south, and east is zoned R-8, Rural Residential, and contains large lots that are either undeveloped or contain scattered single-family homes. Existing R-8 zoning requires a minimum three-acre lot size. Staff finds this withdrawal request to be consistent with the surrounding zoning.

Comprehensive Plan

Comprehensive Plan Land Use Designation

The portion of the Gospel Spreading Church AFD that is under consideration for withdrawal has a Low-Density Residential designation on the Comprehensive Plan Land Use Map.

Public Utilities

A majority of the land within this district (860 acres) is located outside of the PSA (PSA). 134.35 acres within this district are located inside the PSA. The 22.97 acres requested as part of this withdrawal are located within the PSA.

Transportation and Access

Most of the AFD is located along Lake Powell Road and Treasure Island Road. All land within 25-feet of the road rights-of-way of Treasure Island Road, Lake Powell Road, Neck-O-Land Road, and Jamestown Road shall be excluded from the district.

Analysis

On September 24, 1996, the Board of Supervisors adopted a policy and withdrawal criteria for AFD parcels that are within the PSA. That policy and criteria are as follows:

“For Agricultural and Forestal Districts Within the Primary Service Area, the Board of Supervisors will use the minimum standards listed below. These standards are different standards from the standards

applied to those districts located outside the PSA. They are in recognition that lands within the PSA are intended for urban development at some point in the future and, therefore, are not expected to remain in agricultural and forestal use in the long-term. Lands outside the PSA are intended to remain rural and the preferred use for rural lands is agricultural and forestal use.

1. Withdrawals will be approved no more than once per year, per AFD, per landowner. This means that an owner of multiple parcels within an AFD will be allowed only one withdrawal per year in the AFD.
2. The minimum acreage for withdrawals shall be 75 acres, either as a single parcel or in combination with more than one parcel. Individual landowners who own less than 75 acres must withdraw all of their parcel from the district. Parcels withdrawn as part of any one request need not be contiguous.
3. The new land use shall be in conformance with the Comprehensive Plan. A formal application to convert the use of the property shall accompany any request for withdrawal, such as an application for rezoning, special use permit or any development plans. The application shall include a conceptual plan acceptable to the Director of Planning. The application for withdrawal and the application to convert the use of the property shall be submitted together and processed as a single development request.”

The policy states that the Board shall weigh each of the above criteria in its deliberation, but may also use whatever criteria it deems appropriate for the individual case. Each of these three criteria have been evaluated by staff:

Criteria 1: One Withdrawal Per Year

The applicant has not requested a withdrawal within the past year and is requesting to remove all of their land presently included in the AFD. The application meets this criterion.

Criteria 2: Minimum Acreage of 75 Acres

The applicant has requested a withdrawal of 22.97 acres, which represents all of their land presently in the Gospel Spreading Church AFD. The application meets this criterion.

Criteria 3: Conformance with the Comprehensive Plan and Submitted Land Development Application and Plan

The parcels are designated as Low-Density Residential on the Comprehensive Plan. The 14.42-acre parcel contains an existing single-family residential house, and a new single-family house is proposed for the 8.55-acre parcel. The Comprehensive Plan recommends a density of one dwelling unit per acre. This proposal constitutes a density of one dwelling unit per 11.45 acres. The application meets these criteria.

Existing AFD Conditions

The current conditions of the Gospel Spreading Farm Agricultural and Forestal District are as follows:

1. The Gospel Spreading Church Agricultural and Forestal District is hereby continued for a period of four years beginning the twenty-second day of September 1998, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.

2. That the district shall include the following parcels:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
JCC Bible and Agricultural and Training School	(48-3)(1-35)	403.560
JCC Bible and Agricultural and Training School	(56-2)(1-1)	457.000
Floyd P. Carmines	(47-4)(1-37)	27.920
Lyman Hall	(47-4)(1-11)	17.890
Lyman Hall	(47-4)(1-13)	39.110
Thomas M. and Elva Mikula	(48-3)(1-39)	14.420
Thomas M. and Elva Mikula	(48-3)(1-40)	8.550
*Dr. Stanley H. and Mrs. Mavis Powell	(47-4)(1-33)	<u>26.460</u>
Total:		<u>994.910</u>

**Added on January 12, 1999*

Provided, however, that all land within 25 feet of the road rights-of-way of Treasure Island Road (Route 617), Lake Powell Road (Routes 617 and 618), Neck-O-Land Road (Route 682), and Jamestown Road (Route 31) shall be excluded from the district.

3. That pursuant to the Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Gospel Spreading Church Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
- The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided:
 - a) the subdivision does not result in the total acreage of the district to drop below 200 acres;
 - and b) the subdivision does not result in a remnant parcel of less than 25 acres.
 - No land outside the PSA and within the Agricultural and Forestal District (AFD) may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Parcels inside the PSA and within the Agricultural and Forestal District may be withdrawn from the District in accordance with the Board of Supervisors policy pertaining to "A Withdrawal of Lands From Agricultural and Forestal Districts Within the PSA," adopted September 24, 1996.
 - No special use permit shall be issued except for agricultural, forestal, or other activities and use is consistent with the State Code Section 15.1-4301 et. seq., which are not in conflict with the policies of this district. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

RECOMMENDATION:

Staff finds the proposed withdrawal consistent with the surrounding zoning, development, and the Comprehensive Plan. Staff also finds that this application meets all three criteria of the adopted Board policy regarding the withdrawal of lands from Agricultural and Forestal Districts that are inside the PSA. Therefore, staff recommends that 22.97 acres be withdrawn from the Gospel Spreading Church AFD. Should this withdrawal be approved, the size of the Gospel Spreading Church AFD would become 971.94 acres. On February 21, 2002, the AFD Advisory Committee voted 8-0 to approve the withdrawal. On March 4, 2002, the Planning Commission voted 7-0 to approve the withdrawal. Staff recommends the Board approve the withdrawal.

Jill E. Schmidle

CONCUR:

O. Marvin Sowers, Jr.

JES/gs
gospel.afd12-86.wpd

Attachments:

1. Planning Commission minutes
2. AFD Advisory Committee minutes, dated February 21, 2002
3. Location Map
4. Withdrawal request letter dated January 8, 2002
5. Gospel Spreading Church AFD Ordinance No. 173A-9, approved on September 22, 1998
6. Gospel Spreading Church AFD Powell Addition Resolution Ordinance No. 173A-11, approved on January 12, 1999
7. Board of Supervisors Policy for withdrawal of lands from AFD's within the Primary Service Area, approved on September 24, 1996
8. Resolution